



PREPROPOSAL STATEMENT OF INQUIRY
(RCW 34.05.310)

CR-101 (7/23/95)

Do NOT use for expedited repeal

Agency: Public Disclosure Commission

Subject of possible rule making:

WAC 390-16-309 Identification of Affiliated Entities

(a) Statutes authorizing the agency to adopt rules on this subject:

RCW 42.17.370(1)

(b) Reasons why rules on this subject may be needed and what they might accomplish:

The Public Disclosure Commission has received a Petition for Adoption, Amendment, or Repeal of a State Administrative Rule under RCW 34.05.330.

WAC 390-16-309 outlines when two or more entities are treated as a single person and share one contribution limit under RCW 42.17.640.

The petitioner believes this rule should be changed because it is not clear. Suggested language was attached to the petition for review by the Commission. A copy of the rule making petition is available at www.pdc.wa.gov under "Rule Making Activity."

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

(d) Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study

☒ Other (describe) At its meeting on February 27, 2001, the Commission is expected to discuss whether to move forward with the petitioner's suggestion to amend WAC 390-16-309. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by February 26, 2001 to Doug Ellis, PDC, PO Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, February 19, 2001, will be provided to Commissioners in advance of the meeting.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Contact the PDC Director of Public Outreach Doug Ellis at: WA ST Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908
(360) 664-2735 (telephone)
1-877-601-2828 (toll free)
dellis@pdc.wa.gov (e-mail)

A public hearing on this matter may occur on April 24, 2001.

NAME (TYPE OR PRINT)

Vicki Rippie

SIGNATURE

Vicki Rippie

TITLE

Executive Director

DATE

1/16/01

CODE REVISER USE ONLY

JAN 16 2001

105

01-03-081



**PETITION FOR ADOPTION, AMENDMENT, OR REPEAL
OF A STATE ADMINISTRATIVE RULE (RCW 34.05.330)**

RECEIVED
DEC 07 2000
Public Disclosure Commission

The Office of Financial Management (OFM) has adopted this form for members of the public who wish to petition a state agency to adopt, amend, or repeal an administrative rule (regulation). Full consideration will be given to a petitioner's request.

To obtain this form in an alternate format, call OFM at (360) 753-2856 or TTY (360) 664-9437.

Please complete the following:

PETITIONER'S NAME (PLEASE PRINT) Robert M. Edelman		TELEPHONE NUMBER (INCLUDE AREA CODE) (360) 886-7166	
STREET ADDRESS 29871 232nd Ave SE	PO BOX NUMBER	CITY Black Diamond	STATE WA
		ZIP CODE 98010	
AGENCY RESPONSIBLE FOR ADMINISTERING THE RULE, IF KNOWN Public Disclosure Commission		If unknown, call (360) 753-7470 for mailing information.	

Please submit completed and signed form to the "Rules Coordinator" at the appropriate state agency. The agency will contact you within 60 days.

Check all that apply below and explain on the back of this form with examples. Whenever possible, attach suggested language. You may attach other pages, if needed.

☐ **NEW:** I am requesting that a new WAC be developed.

I believe a new rule should be developed.

- ☐ The subject of this rule is:
- ☐ The rule will affect the following people:
- ☐ The need for the rule is:

☒ **AMEND:** I am requesting a change to existing WAC **390-16-309**

☐ **REPEAL:** I am requesting existing WAC **390-16-309** be removed.

I believe this rule should be changed or repealed because (check one or more):

- ☐ It does not do what it was intended to do.
- ☐ It imposes unreasonable costs.
- ☐ It is applied differently to public and private parties.
- ☒ It is not clear.
- ☐ It is no longer needed.
- ☐ It is not authorized. The agency has no authority to make this rule.
- ☐ It conflicts with another federal, state, or local law or rule. Please list number of the conflicting law or rule, if known:
- ☐ It duplicates another federal, state or local law or rule. Please list number of the duplicate law or rule, if known:
- ☒ Other (please explain):
Suggested language is attached.
This is a companion petition to a petition for repeal of WAC 390-16-311. Please see the attachment to that petition for the reason for amendment.

PETITIONER'S SIGNATURE

RM Edelman

DATE

Dec 7, 2000

Attachment to Petition for Amendment of WAC 390-16-309
Suggested Language

- (1) Two or more entities are treated jointly as a single person and share one contribution limit under RCW 42.17.640 if one of the entities is:
 - (a) A corporation and the ~~other is a~~others are subsidiaries, branches or divisions of the Corporation;
 - (b) A national or international labor union, or state body of such national or international labor union, and the ~~other is a~~others are local unions or other subordinate organizations of such national or international labor union or state body;
 - (c) A trade association or state body of such trade association and the ~~other is a~~others are branches or local units of such trade association;
 - (d) A national or state collective bargaining organization and the ~~other is a~~others are branches or local units of such national or state collective bargaining organization;
 - (e) A national or international federation of labor unions, or a state federation of labor unions, and the ~~other is a~~others are local bodies of such federation;
 - (f) A membership organization and the ~~other is a~~others are local units or branches of such membership organization;
 - (g) Any entity referenced in (a) through (f) above and a political committees established, financed, maintained or controlled by that entity.
- (2) For purposes of RCW 42.17.640, two or more entities shall not be treated jointly as a single entity solely because one or more of the entities ~~is a~~are dues paying members of one of the other entities.
- (3) In addition to the per se affiliation rule of paragraph (1) above, two or more entities shall be treated jointly as one entity and share a contribution limit under RCW 42.17.640 if one or more of the entities ~~is a~~are established, financed, maintained or controlled by one of the other entities, as evidenced by any one of the following factors:
 - (a) Whether one entity owns a controlling interest in the voting stock or securities of ~~another the other entities~~the other entities; or
 - (b) Whether one entity has authority or the ability to direct or participate, other than through a vote as a member, in the governance of ~~another the other entities~~the other entities through provisions of constitution, bylaws, contract or other formal or informal procedure or has authority or the ability to hire, appoint, demote or otherwise control, other than through a vote as a member, the officers or other decision making employees or members of ~~another the other entities~~the other entities; or
 - (c) Whether
 - (i) one entity has a common or overlapping membership with ~~another the others~~the others which indicates either a formal or ongoing relationship between the ~~two organizations~~ or the creation of a ~~successor entities~~successor entities and
 - (ii) the entity has an active or significant role in the formation of the other entities and
 - (iii) the entities have similar patterns of contributions or contributors which indicate a formal or ongoing relationship between the entities; or
 - (d) Whether one entity provides, causes or arranges, funds, services or goods in a significant amount or on an ongoing basis, through direct or indirect means to the other entities, for less than full consideration. Full consideration includes the payment of membership dues.